

Certificate of Express Mailing Under 37 C.F.R. §1.10

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being mailed via "express Mail Post Office to Address" service of the United States Postal Services (Express Mail Label No. EL 989 435 986 US) on October 20, 2003 in an envelope addressed to the Commissioner of Patent & Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450.

By: _____

Kim A. Cabello

**IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE
REQUEST FOR FILING
(RULE 53(b)(1))**

For Design or Utility ApplicationsRule 53(b)(1) PATENT APPLICATION:**(DO NOT USE FOR CIPs)**

- ☒ Continuation) application under 37 CFR 1.53(b)(1)
☐ Divisional) application under 37 CFR 1.53(b)(1)
 of pending prior application of

Group Art Unit: 3754Examiner: KEASEL, Eric S.Inventor(s): Steven C. QUARRE

Parent Appln. No.: <u>10</u>	<u>108,803</u>
Series Code ↑	Serial No. ↑

Atty. Dkt. <u>044182</u>	<u>306426</u>
New C-M	Client Ref

Parent Filed: March 27, 2002This Appln. Filed: October 20, 2003Title: PRECISION CONTROLLED FAST VALVE

Mail Stop Patent Application
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Date: October 20, 2003(Parent Matter No. 044182-290107)

Sir:

To effect the above-requested filing today:

- 1.
- Attached**
- is a copy (
- which must be filed**
-) of the prior application, including:

- ☒ Abstract
☒ Specification and claims (10 pages) (**must be attached**)
☒ Drawings (**must be attached if originally filed**): 2 sheet(s)/set: ☐ 1 set informal;
☒ Formal of size ☐ A4 ☒ 11"

1A. **Always X one box, only:**

- (1) ☒ Copy of **Signed** declaration or oath as originally filed in prior application **attached**
 (2) ☐ **NO** declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. ☐ This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are n t inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

1. _____	2. _____
3. _____	4. _____
5. _____	6. _____

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1. _____	2. _____
3. _____	4. _____
5. _____	6. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☐ Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ of _____ (country)
- | | | | |
|-----------------------|-------------------|-----------------------|-------------------|
| Application No. _____ | Filing Date _____ | Application No. _____ | Filing Date _____ |
| (1) _____ | (2) _____ | (3) _____ | (4) _____ |

a. ☐ _____ (No.) Certified copy/copies attached.

b. ☐ Certified copy/copies previously filed on _____ in _____
U.S. Application No. _____ / _____, filed on _____
series code ↑ serial no.

c. ☐ Certified copy/copies filed during International stage of PCT/ _____ / _____

4. (a) ☐ Domestic priority is claimed from PCT/ _____ / _____, filed _____
(b) ☐ Benefit is claimed of Provisional Application No. 60/_____, filed _____.

5. ☒ Prior application is assigned to Applied Precision, LLC
by assignment recorded March 27, 2002 Reel 012753 Frame 0275.
(Date)

6. ☒ Attached is the following number of Assignments (including original and all later successive ones by different _____ 1 and respective new Cover Sheets. (Do NOT file old cover sheets.)
assignors): _____

(Assignments in parent must be refiled with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to John R. Wetherell, Jr., Ph.D., Reg. No. 31,678
(Name and Reg. No.)
whose current address is as in item 8 below.

a. ☒ Recognize as associate attorney Victor J. Castellucci, Reg. No. 43,535
(Name, Reg. No. and Address).

8. Address all future communications to Intellectual Property Group
of Pillsbury Winthrop LLP, 11682 El Camino Real, Suite 200, San Diego, CA 92130

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. 60// 280,314 filed March 29, 2001

No. 10/ 108,803 filed March 27, 2002

No. / filed

No. PCT/ / filed , which designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English

- 9(a) ☒ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status** ☐ is Not claimed ☒ is claimed (pre-filing confirmation required)

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:

☐ filed in above prior application

☒ attached.

11. Petition to extend the life of the above prior application to at least the date hereof

(one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).

(must be) ☐ was previously filed in that prior application (Check length of prior extension).

(X'd) ☒ is not necessary for copendency (**Double check** before X'ing this box).

12. ☐ **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.

14. ☐ **Please see** the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON

-->>>>CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<<<<<<

NOTE: If box 1A2 is X'd, do not pay fees, but leave lines 15-22 and 27-32 blank.

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.

				Large/Small Entity		Fe Code
15. Basic Filing Fee Design Application				\$340/\$170		1002/2002
16. Basic Filing Fee Utility Application				\$770/\$385	+385	1001/2001
17. Total Effective Claims	13	minus 20 =	0	x \$18/\$9	+0	1202/2202
18. Independent Claims	2	minus 3 =	0	x \$86/\$43	+0	1201/2201
19. If <u>any proper</u> multiple dependent claim (ignore improper) is present,				\$290/\$145	+0	1203/2203
20. Subtotal =				\$385		
21. If "petition" box 13 above is X'd, add petition fee. \$130					+0	1808
21A. If box 6 above is X'd, add Assignment recording fee \$ 40					+40	8021
22. TOTAL FILING FEE =				\$425		

(carry forward to Item 31)

23. ☒ ATTACHED: Power of Attorney from Assignee and Revocation of Prior Powers
24. ☒ Preliminary Amendment attached (to be entered after assigning Appln. No.)
25. ☐ See NONPUBLICATION REQUEST under Rule 213(a) attached (Pat-258)

26. **ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25**

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	File Code
27.	Total Effective Claims *	minus ** 0	= 0	x \$18/\$9	= \$ 0	(1202/2202)
28.	Independent Claims *	minus *** 0	= 0	x \$86/\$43	= + 0	(1201/2201)
29.	If amendment enters proper multiple dependent claim(s) into this application for the <u>first time</u> , add (per application) \$290/\$145				+ 0	(1203/2203)
30.	ADDITIONAL FEE				\$ 0	
31.	plus FEE from item 22 on page 3				+ 425	
32.	TOTAL FEE				\$ 425	

33. *If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"
34. **If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space
35. ***If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space

PLEASE CHARGE
OUR DEP. ACCT.

Our Deposit Account No. 50-2212

Our Order No. 044182 | 306426
C# M#

**Pillsbury Winthrop LLP
Intellectual Property Group**

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By Atty: Victor J. Castellucci

Sig: *Victor Castellucci*

Reg. No. 43,535

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NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments

NOTE No. 2: Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.
If yes, printout Pat-111 and head it in parent.